

**Exhibit 7**  
Iowa Department of Natural Resources  
Water Supply Engineering Section  
**DWSRF Required Front-End Specifications**

U.S. Environmental Protection Agency  
**CERTIFICATION OF NON-SEGREGATED FACILITIES**

*(This form must be submitted with the bid.)*

*(Applicable to contracts, subcontracts, and agreements with applicants who are themselves performing Federally assisted construction contracts, exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause.)*

By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR  
CERTIFICATIONS OF NON-SEGREGATED FACILITIES**

A Certification of Non-segregated Facilities, as required by the May 9, 1967, order (33 F.R. 7808, May 28, 1968) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title of Signer (Please Type)

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

United States Environmental Protection Agency Washington, DC 20460  
**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS**

*(This form must be submitted with the bid.)*

The prospective participant certifies to the best of its knowledge and belief that it and the principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction: violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated or cause or default.

I understand that a false statement on this certification may be ground for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

---

Typed Name & Title of Authorized Representative

---

Signature of Authorized Representative

---

Date

☐ I am unable to certify to the above statements. My explanation is attached.

## MBE/WBE/SBRA SOLICITATION

*(This form must be submitted with the bid.)*

Bidders/offers must fully comply with the requirements of 40 CFR 35 and Section 129 of P.L. 100-590 to award a fair share of subagreements to minority (MBE), women's (WBE) and small rural area (SBRA) business enterprises. The requirements include:

- Taking affirmative steps for MBE/WBE/SBRA participation
- Documenting the efforts and the proposed utilization of MBE/WBE/SBRAs

### PROJECT INFORMATION

SRF Applicant:	
Bidder:	
Address:	
Contact Person:	
Signature:	
Phone Number:	
E-Mail Address:	
Check if General Contractor is: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBRA	
Will subcontractors be sought under this contract? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<i>If yes, please complete the rest of the form.</i>	

### AFFIRMATIVE STEPS CHECKLIST

Please complete the checklist to determine if you have complied with the requirement to take affirmative steps. Bidders/offers must take affirmative steps prior to submission of bids/proposals.

1. When feasible, did you segment total work requirements to permit maximum MBE/WBE/SRBA participation? ☐ Yes ☐ No
2. Where feasible, did you establish delivery schedules that would encourage participation by MBE/WBE/SRBAs? ☐ Yes ☐ No
3. Do you assure that MBEs, WBEs, and SRBAs are solicited whenever they are potential sources of goods and services? ☐ Yes ☐ No
4. Did you send letters or make other personal contacts at the time that other potential subcontractors were contacted, providing specific description of the work to be subcontracted, how and where to obtain a copy of the plans and specifications, date quotation is due, and contact information? ☐ Yes ☐ No

5. List the potential MBE/WBE/SBBA subcontractors that were contacted:

Name	How Contacted (e.g. letter, phone call, fax, e-mail)	Response (e.g. did not respond, not interested, not competitive)

Note: A list of qualifying businesses is available at [www.state.ia.us/government/dia/page4.html](http://www.state.ia.us/government/dia/page4.html). Another construction-related Disadvantage Business Directory is at [www.ia.bidx.com/lettings](http://www.ia.bidx.com/lettings).

### PROPOSED UTILIZATION OF MBE/WBE/SBBA SUBCONTRACTORS

Please list the qualifying businesses the bidder proposes to utilize.

1. ☐ MBE Subcontractor: \_\_\_\_\_  
☐ WBE Address: \_\_\_\_\_  
☐ SBBA Contact: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Amount of Subcontract: \_\_\_\_\_  
Scope of Work: \_\_\_\_\_
  
2. ☐ MBE Subcontractor: \_\_\_\_\_  
☐ WBE Address: \_\_\_\_\_  
☐ SBBA Contact: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Amount of Subcontract: \_\_\_\_\_  
Scope of Work: \_\_\_\_\_
  
3. ☐ MBE Subcontractor: \_\_\_\_\_  
☐ WBE Address: \_\_\_\_\_  
☐ SBBA Contact: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Amount of Subcontract: \_\_\_\_\_  
Scope of Work: \_\_\_\_\_

## CIVIL RIGHTS CONTRACT PROVISIONS

- A. The Contractor, prior to award of a contract, shall submit certification acceptable to the Owner that he and all Subcontractors are in compliance with these requirements.
- B. The Contractor must comply with the following laws and regulations:
  - 1. Title VI of the Civil Rights Act of 1964 (P.L. 88-352).
    - a. Under Title VI of the Civil Rights Act of 1964 (P.L. 88-352), no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Further requirements are specified in 24 CFR Part 1.)
  - 2. Iowa Civil Rights Act of 1965 (Iowa Executive Orders 15 and 34).
  - 3. Section 109 of Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309).
  - 4. The Age Discrimination Act of 1975, as amended (42 U.S.C. 1601 et seq.).
    - a. The Contractor agrees that no person shall be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program activity receiving federal funds.
  - 5. Section 504 of the Rehabilitation Act of 1973, as amended (P.L. 93-112, 29 U.S.C. 794).
  - 6. Americans with Disabilities Act (P.L. 101-336, 42 U.S.C. 12101-12213).
  - 7. Section 3 of the Housing and Urban Development Act of 1968, as amended (112 U.S.C. 1701u).
  - 8. Title VIII of the Civil Rights Act of 1968, as amended.
  - 9. Federal Executive Order 11063, as amended by Executive Order 12259.
  - 10. Federal Executive Order 11246, as amended.

## CODE OF IOWA REQUIREMENTS IN FRONT-END SPECIFICATIONS

**Bid Advertising Time:** Bid advertising time for SRF project must comply with the applicable sections of the Code of Iowa, 362.3 and 384.96. Notice to bidders must be published not less than 4 nor more than 45 days before the bid filing date. Publication must be in a newspaper published at least once weekly and having general circulation within the city. If the city has a population 200 or less, publication may be made by posting in three public places in the city, which have been permanently designated by ordinance. Each project should be reviewed by the city and the city's consultant and an appropriate length of time for bid advertising agreed upon. While not required, the Department recommends a minimum of 30 days.

**Award of Contract:** The specifications must fully explain the basis for determining the low bidder and include a statement that the contract(s) will be awarded to the lowest responsive, responsible bidder"

(Code of Iowa 384.99). The Code of Iowa further states that “contracts relating to public utilities...may be awarded by the governing body as it deems to be in the best interest of that city”. However, in practice, the standard of proof required in court cases to show “the best interest of that city” has been so extensive and complex that ordinarily it would not be reasonable to award a contract to other than the lowest responsible bidder.

**Bid Bond:** Each bidder must be required to furnish, along with their bids, a bid guarantee subject to Code of Iowa 384.98.

CODE OF IOWA 384.98. The amount of bid security must be fixed by the governing body prior to ordering publication of the notice to bidders and must equal at least five percent, but may not exceed ten percent of either the estimated total contract cost of the public improvement, or the amount of each bid.

**Performance Bond:** Prior to award of contract, the contractor is required to provide a performance bond subject to the appropriate requirements in Code of Iowa 573.2 through 573.5. The specifications must include a provision, which requires this bond. This bond is mandatory and “shall not be limited or avoided by contract” (573.3). The bond amount is set by the city and “shall not be less than 75% of the contract price” (573.5).

**Definite Completion Time:** The specifications should clearly state the maximum calendar or work days allowed for completion of the project. Construction scheduling and timely project completion are significant for three reasons:

1. Construction and initial operations schedules fixed by Administrative Order must be observed and are specifically required by SRF loan agreements.
2. Principal repayment begins one year after project completion. Project completion “means the date operations of the project are initiated or are capable of being initiated, whichever is earlier” (IAC 567-92.3(455B)). The projected date of initiation of operations set by the city and the IDNR in the loan agreement is the project completion date. This date cannot be set forward, only back; ie. regardless of the actual date of completion of construction and initiation of operations, at the latest, loan repayment begins one year after the projected date in the loan agreement.
3. All of the SRF funds in the loan agreement must be disbursed to the city within three years of the state bond sale.

### **Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)**

1. As used in these specifications:
  - a. “Covered area” means the geographical area described in the solicitation from which this contract resulted;
  - b. “Director” means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;
  - c. “Employer identification number” means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.
  - d. “Minority” includes:
    - (i) Black (all persons having origin in any of the Black African racial groups not of Hispanic origin);
    - (ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South

American or other Spanish Culture or origin, regardless of race);  
(iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent, or the Pacific Islands);  
and  
(iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the Contractor, or any Subcontractor at any tier subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.

3. If the Contractor is participating (pursuant to 41 CFR 6-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employee in the covered area. Covered construction contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice form, and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The Contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.

7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

- a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor employees are assigned to work. The Contractor, where possible will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
- b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available and maintain a record of the organizations' responses.
- c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the Contractor may have taken.
- d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's effort, to meet its obligations.
- e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the source complied under 7b above.
- f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
- g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
- h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.
- i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and test to be used in the selection process.



j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's workforce.

k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.

l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

m. Ensure that seniority practices, job classifications work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through p). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through p of these Specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

9. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).

10. The Contractor shall not use the goals and timetable or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.

11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who

fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps at least as extensive as those standards prescribed in paragraph 7 of these specifications so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.

14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

Federal Register, Vol. 43, No. 68 - Friday, April 7, 1978 (Corrected May 5, 1978). Effective Date: May 8, 1978  
Federal Register, Vol. 45, No. 194. Paragraph 4, revised October 3, 1980  
Effective Date: September 30, 1980

#### **APPENDICES A and B-80**

##### **Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity (Executive Order 11246)**

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

(See Appendix B-80 and Appendix A Below)

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and non-federally involved construction.

The Contractor's compliance with the Executive Order and in the regulations in 41 CFR Part 60—4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60—4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or

trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60—4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor, employer Identification number of the subcontractor, estimated dollar amount of the subcontract, and the geographical area in which the subcontract is to be performed.
4. As used in this Notice, and in the contract resulting from this solicitation, the “covered area” is (State of Iowa).

#### **APPENDIX A**

The following goals and timetables for female utilization shall be included in all Federal and federally assisted construction contracts and subcontracts in excess of \$10,000. The goals are applicable to the contractor's aggregate on-site construction workforce whether or not part of that workforce is performing work on a Federal or federally assisted construction contract or subcontract.

Area covered: Goals for Women apply nationwide.

Timetable Goals (percent)

From Apr. 1, 1978 until March 31, 1979 . . . . .3.1

From Apr. 1, 1979 until March 31, 1980 . . . . .5.0

From Apr. 1, 1980 until March 31, 1981 . . . . .6.9

Published, Federal Register May 5, 1978

#### **APPENDIX B-80**

Until further notice, the following goals for minority utilization in each construction craft and trade shall be included in all Federal or federally assisted construction contracts and subcontracts in excess of \$10,000 to be performed in the respective geographical areas. The goals are applicable to each nonexempt contractor's total onsite construction workforce, regardless of whether or not part of that workforce is performing work in a Federal, federally assisted or nonfederally related project, contract or subcontract. Construction contractors which are participating in an approved Hometown Plan (see 41 CFR 60—4.5) are required to comply with the goals of the Hometown Plan with regard to construction work they perform in the area covered by the Hometown Plan. With regard to all their other covered construction work, such contractors are required to comply with the applicable SMSA of EA goal contained in this appendix B-80.

Economic Areas

State: Iowa	Goal %
096 Dubuque IA:	
SMSA Counties:	
2200 Dubuque, IA .....	0.6
IA Dubuque	
Non-SMSA	
Counties .....	0.5

IA Allamakee, IA Clayton, IA Delaware, IA, Jackson IA, Winneshiek

099 Davenport Rock Island Moline, IA-IL:

SMSA Counties:

1960 Davenport Rock Island Moline, IA-IL ..... 4.6

IL Henry, IL Rock Island Moline, IA Scott

Non-SMA

Counties ..... 3.4

IL Carroll, IL Hancock, IL Henderson, IL ,Mercer, IL Whiteside, IA Clinton, IA Des Moines, IA Henry, IA Lee, IA Louisa, IA, Muscatine, MO Clark

100 Cedar Rapids, IA:

SMSA Counties:

1360 Cedar Rapids, IA ..... 1.7

IA Linn

Non-SMSA Counties ..... 1.5

IA Benton, IA Cedar, IA Iowa, IA Johnson, IA, Jones, IA, Washington

101 Waterloo, IA:

SMSA Counties:

8920 Waterloo-Cedar Falls, IA ..... 4.7

IA Black Hawk

Non-SMSA Counties ..... 2.0

IA Bremer, IA Buchanan, IA Butler, IA Cerro Gordo, IA Chickasaw, IA Fayette, IA Floyd, IA Franklin, IA Grundy, IA Hancock, IA Hardin, IA Howard, IA Mitchell, IA Winnebago, IA Worth

102 Fort Dodge, IA:

Non-SMSA Counties ..... 0.4

IA Buena Vista, IA Calhoun, IA Carroll, IA Clay, IA Dickinson, IA Emmet, IA Greene, IA Hamilton, IA Humboldt, IA Kossuth, IA Palo Alto, IA Pocahontas, IA Sac, IA Webster, IA Wright

103 Sioux City, IA:

SMSA Counties:

7720 Sioux City, IA-NE ..... 1.9

IA Woodbury, NE Dakota

Non-SMSA Counties ..... 1.2

IA Cherokee, IA Crawford, IA Ida, IA Monona, IA O'Brien, IA Plymouth, IA Sioux, NE Antelope, NE Cedar, NE Cuming, NE Dixon, NE Knox, NE Madison, NE Pierce, NE Stanton, NE Thurston, NE Wayne, SD Bon Homme, SD Clay, SD Union, SD Yankton

104 Des Moines, IA:

SMSA Counties:

2120 Des Moines, IA ..... 4.5

IA Polk, IA Warren

Non SMSA Counties: ..... 2.4

IA Adair, IA Appanoose, IA Boone, IA Clarke, IA Dallas, IA Davis, IA Decatur, IA Guthrie, IA

Jasper, IA Jefferson, IA Keokuk, IA Lucas, IA Madison, IA Mahaska, IA Marion, IA Marshall,  
IA Monroe, IA Poweshiek, IA Ringgold, IA Story, IA Tama, IA Union, IA Van Buren, IA  
Wapello, IA Wayne

143 Omaha, NE:

SMSA Counties:

5920 Omaha, NE-IA ..... 7.6

IA Pottawattamie, NE Douglas, NE Sarpy

Non-SMSA Counties ..... 5.3

IA Adams, IA Audubon, IA Cass, IA Fremont, IA Harrison, IA Mills, IA Montgomery, IA  
Page, IA Shelby, IA Taylor, NE Burt, NE Cass, NE Colfax, NE Dodge, NE Platte, NE  
Saunders, NE Washington

Published, Federal Register October 3, 1980

### **Executive Order No. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**

The Civil Rights Act of 1964, Federal Water Pollution Control Act Amendments of 1972, Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Executive Order No. 12898 prohibit discrimination in the provision of services or benefits, on the basis of race, color, national origin, sex, handicap or age, in programs or activities receiving federal financial assistance. If, for example, a municipality received EPA assistance to build a wastewater treatment plant, it may not decline to provide service from the plant to a particular neighborhood because of its racial composition. As the preface to this section noted, the Civil Rights Act, the Rehabilitation Act, and the Age Discrimination Act were amended in 1988 to clarify that their anti-discrimination provisions apply to the entire operations of an assistance recipient, not just to the specific program, project, or activity that is the objective of the assistance. The reach of these statutes and section 13 of the CWA, which contains language instructing EPA to treat its sex discrimination provisions in a manner similar to the Civil Rights Act, extends beyond that of other cross-cutting authorities.

The seminal anti-discrimination law is the 1964 Civil Rights Act. Its prohibitions have served as a model for all subsequent laws barring various forms of discrimination in federally assisted programs or activities, as the following excerpts from those laws demonstrate:

- No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (42 U.S.C. §2000d (1988))
- No person in the United States shall, on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under ... the federal Water Pollution Control Act... (Pub. L. No. 92-500 §13, 86 Stat 816 (1972))
- No otherwise qualified individual with a disability in the United States ... shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...(29 U.S.C. §794(a) (1998))
- No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (42 U.S.C. §6102 (1994))

In 1994, President Clinton signed Executive Order No. 12898 to promote nondiscrimination in federal programs significantly affecting human health or the environment and to provide minority and low-income communities with access to information and the opportunity to participate in matters effecting human health and the environment. The Order requires each federal agency to ensure those programs or activities receiving federal financial assistance that affect human health or the environment do not discriminate on the basis of race, color, or national origin. In addition, for any federal action requiring a NEPA analysis, each federal agency must consider the environmental, economic, and social effects on minority and low-income communities. EPA issued an environmental justice strategy on April 3, 1995. (EPA/200-R-95-002).

### **NONDISCRIMINATION IN EMPLOYMENT (INSTRUCTIONS TO BIDDERS)**

By the submission of its bid, each bidder acknowledges that he understands and agrees to be bound by the equal opportunity requirements of EPA regulations (40 CFR Part B, particularly Section 8.4(b)), which shall be applicable throughout the performance of work under any contract awarded pursuant to this solicitation. Each bidder agrees that if awarded a contract, it will similarly bind contractually each subcontractor. In implementation of the foregoing policies, each bidder further understands and agrees that if awarded a contract, it must engage in affirmative action directed at promoting and ensuring equal employment opportunity in the workforce used under the contract (and that it must require contractually the same effort of all subcontractors whose subcontracts exceed \$10,000). The bidder understands and agrees that “affirmative action” as used herein shall constitute a good faith effort to achieve and maintain that amount of minority employment in the on-site workforce used on the project which corresponds, for each trade used, to the minority population in the serving labor market area from which workers are reasonably available for hire for the project.

### **RECOMMENDED STATEMENT IN ADVERTISEMENT FOR BIDS DEBARMENTS AND SUSPENSIONS**

Any bidder or equipment supplier whose firm or affiliate is listed in the GSA publication “List of Parties Excluded from Federal Procurement and Non-procurement Programs” will be prohibited from the bidding process. Anyone submitting a bid who is listed in this publication will be determined to be a non-responsive bidder in accordance with 40 CFR Part 31.

A contractor’s Suspension/Debarment Certification will be contained in the specifications (see attachment 2); however, this certification should not preclude any interested party from ascertaining whether the certifying person is actually on the “List of Parties Excluded from Federal Procurement and Nonprocurement Programs.”

### **OTHER DWSRF LOAN PROJECT FRONT-END SPECIFICATIONS**

**Violating Facilities List:** The specifications and contract documents must contain a statement requiring compliance of all parties to the contract with 40 CFR 31.36(i)(12) which prohibits the contractor from procuring materials or equipment from facilities on the EPA List of Violating Facilities. The most current List of Violating Facilities can be found in the monthly General Services Administration publication entitled “Lists of Parties Excluded from Federal Procurement or Non-procurement Programs”.

*This requirement arises from Section 306 of the Clean Air Act and Section 508 of the Clean Water Act. These two sections of the two different Acts are very similar. Section 306 requires that persons and facilities owned or operated by persons convicted for violations of Section 113(c)(2) of the Clean Air Act are prohibited from entering into Federal contracts and this extends to Federal Assistance by way of grants and loans. Section 113 ( c)(2) violations concern falsification of records etc. and tampering with monitoring devices etc. required by persons and facilities owned or operated by persons convicted for violations of Section 309(c ) of the Clean Water Act are prohibited from Federal Assistance. Section 309(c) violation of water pollution laws and provides criminal penalties for these violations.*

The List of Violating Facilities is a listing of facilities owned or operated by persons convicted under these sections of the CAA and the CWA. CFR 40 Part 15 is a description of the list and explains procedures for placement of facilities on it. Under CFR 40 part 15, the List of Violating Facilities is to be published in the Federal Register on or about February 1 and August 1 of each year. However, the list was last published in the Federal Register on February 12, 1991. The monthly GSA publication, "Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs" provides the most recent List of Violating Facilities.

***Access to and Retention of Records:*** *The contractor shall maintain all records documenting all costs associated with the project for a period of three (3) years from the date of the final payment to the contractor. All records shall be preserved and made available to the Iowa Department of Natural Resources, the State Auditor, and the USEPA Office of the Inspector General or their authorized representatives. The contractor must allow access to these records and the project site for inspection and audit purposes by the Department, the State Auditor, and the USEPA Office of the Inspector General or their authorized representatives for a period of three (3) years from the date of the final payment to the contractor.*

**Clean Air Act:** Compliance with all applicable standards, orders, and requirements of the following laws and regulations:

Section 306 of the Clean Air Acts (42 U.S.C. 1857(h)).

Section 508 of the Clean Water Act (33 U.S.C. 1368).

Executive Order 11738.

EPA Regulations - 40 CFR, Part 15.